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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/347,438	07/02/1999	SHAI MOHABAN	50325-074	3850
29989	7590	06/16/2005		
HICKMAN PALERMO TRUONG & BECKER, LLP 2055 GATEWAY PLACE SUITE 550 SAN JOSE, CA 95110			EXAMINER BURGESS, BARBARA N	
			ART UNIT 2157	PAPER NUMBER

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/347,438	Applicant(s) MOHABAN ET AL.	
	Examiner Barbara N. Burgess	Art Unit 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-17 and 19-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-17 and 19-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5-31-05</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

This Office Action is in response to Request for Continuation Examination (RCE) filed April 14, 2005. Claims 1-4, 6-17, and 19-30 are presented for further examination.

Claim Rejections - 35 USC § 112

1. Claims 1, 19-21, and 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
2. The term "tightly" in claims 1, 19-21, and 29 is a relative term, which renders the claim indefinite. The term "tightly" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 6-9, 14-16, 20-22, 24-25, 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin (US Patent No. 6,154,776) in view of Haddock et al.

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(hereinafter "Haddock", 6,104,700) and further view of Colley et al. (hereinafter "Colley", US Patent No. 6,650,644 B1).

As per claims 1, 20, 21, 29, and 30, Martin discloses a method of selectively establishing a quality of service value for a particular network device in a network that comprises a plurality of other heterogeneous network devices, comprising the steps of:

- Receiving application information that defines one or more traffic flows associated with one or more message types generated by an application program, including information identifying one or more points at which an application generates the traffic flows (column 2, lines 25-28, 44-47, column 3, lines 2-4, 9-15, 34-39, 48-49, 55-59, column 4, lines 1-5, 13-15, 33-38, 52-55, column 5, lines 1-3, column 9, lines 65-67, column 10, lines 1-2);
- Receiving device information that defines one of more quality of service treatments that the network device may apply to data processed by the network device (column 2, lines 7-13, column 7, lines 19-21, 27-30);
- Based on the device information and the application information, determining one or more processing policies that associate the traffic flows with the quality of service treatments (column 2, lines 17-20, column 3, lines 32-45, 65-67, column 4, lines 1, 29-32, 55-60, column 7, lines 55-59, column 8, lines 54-57, column 9, lines 65-67, column 10, lines 1-2);
- Creating and storing one or more mappings of the application points to the quality of service treatments that may be used to with the processing policies to generate the quality of service value when the application program generates traffic flows of one

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of the message types (column 3, lines 55-56, column 4, lines 20-25, 64-67, column 5, lines 5-7, column 8, lines 38-40, 47-50, column 10, lines 3-5, 34-35, 40-46, column 13, lines 50-53);

- Causing generation of the quality of service value, wherein the generation of the quality of service value is based on said one or more mappings and is performed before transmitting said traffic flows of one of the message types to said network (column 3, lines 55-59, 65-67, column 4, lines 1-5, 29-32, 60-63, column 5, lines 5-12, column 8, lines 31-58, column 9, lines 20-23, 29-33. 41-44);
- Enforcing one of the processing policies at the network device in response to receiving traffic from the application program that matches the traffic flow type (column 10, lines 3-6, column 11, lines 23-25).

Martin does not explicitly disclose:

- Wherein enforcing one of the processing policies comprises:
- Requesting, using an application quality of service policy element that is tightly coupled to the application program, an operating system function to modify a packet of the traffic flows using a policy element that requests a different operating system function according to the operating system then in use;
- At the network device, in response to receiving traffic from the application program that matches the traffic flow type and in response to the operating system function, modifying the packet to activate a quality of service treatment of the network device.

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However, in an analogous art, Haddock discloses modifying the traffic group (packet) based on the terms of the quality of service policy. Based on the modification, the quality of service policy can be activated (column 5, lines 31-67).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate requesting an operating system function to modify a packet and modifying the packet to activate a quality of service treatment of the network device in Martin's system in order for the traffic group to be identified based upon the terms of the quality of service policy defined.

Martin, in view of Haddock, does not explicitly disclose modifying a portion of the packet to activate a quality of service treatment of the network device. However, in an analogous art, Colley discloses modifying the data packet by masking the header field of the data packet with a ToS (type of service) mask that coincides with the QoS (quality of service) (Figure 6, column 2, lines 3-11, 47-55).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Colley's modifying a portion of the packet in Martin's system in order to translate a QoS data packet into an incoming type of service data packet.

As per claims 2 and 22, Martin discloses:

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- Storing the mappings in a repository that is accessible by the application program (column 4, lines 57-60, 64-67, column 5, lines 5-7, column 10, lines 18-24, column 13, lines 42-48);
- Storing both the application information and the device information in the repository (column 7, lines 6-17, column 8, lines 32-38, column 13, lines 35-40); converting the mappings into one or more settings of the network device (column 2, lines 14-20, column 3, lines 44-45, 50-51, column 4, lines 29-31).

As per claims 6, 7, and 24, Martin discloses:

- Creating and storing one or more mappings comprises creating and storing one or more mappings comprises creating and storing one or more policies, concerning network processing of traffic flows generated by the application program, in the repository (column 3, lines 55-56, column 4, lines 20-25, 29-32, 64-67, column 5, lines 5-7).

As per claim 8, Martin discloses:

- Creating and storing one or more mappings comprises creating and storing one or more mappings comprises creating and storing one or more policies, concerning network processing of traffic flows generated by the application program, in a directory (column 3, lines 55-56, column 4, lines 20-25, 29-32, 64-67, column 5, lines 5-7, column 7, lines 6-10).

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As per claims 9 and 25, Martin discloses:

- Creating and storing one or more mappings comprises creating and storing one or more policies, concerning network processing of traffic flows generated by the application program, in a policy server coupled to Lightweight Directory Access Protocol directory that comprises the repository (column 6, lines 12-14).

As per claims 14, 15, and 27, Martin discloses determining one or more processing policies comprises creating and storing one or more policy statements in a repository (as shown in the rejection of claims 1, 6, and 8) and a policy defines actions to be applied to a flow and also identifies to whom the actions are to be applied (column 8, lines 55-57, column 9, lines 49-51). Therefore, Martin implicitly discloses determining one or more processing policies comprises creating and storing one or more policy statements in a repository, wherein each policy statement associates a condition of one of the traffic flows, an operator, an operand, and an action comprising one of the quality of service treatments.

As per claims 16 and 28, Martin discloses determining one or more processing policies comprises creating and storing one or more policy statements in a directory (as shown in the rejections of claims 1, 6, and 8), wherein an entity can define mappings between one or more flow parameters, entities and quality of service identifiers and quality of service identifiers and quality of service definitions which contain rules. The rules or policies defines actions to be applied to a flow and also identifies to whom the

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actions are to be applied. These mappings are stored in a directory service (column 4, lines 56-60, 64-67, column 8, lines 38-40, 47-50, 55-57).

Therefore, Martin implicitly discloses determining one or more processing policies comprises creating and storing one or more policy statements in a repository, wherein each statement is represented by a plurality of nodes that represent a condition of one of the traffic flows, an operator and an action comprising one of the quality of service treatments, and wherein the plurality of nodes is coupled to a root node having a distinguished name in the directory.

3. Claims 3-4, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin in view of Haddock et al. (hereinafter "Haddock", 6,104,700) in further view of Colley et al. (hereinafter "Colley", US Patent No. 6,650,644 B1) and in further view of Chapman et al. (hereinafter "Chapman", 6,028,842).

As per claims 3 and 23, Martin, in view of Haddock and Colley, does not explicitly disclose creating and storing one or more classes that classify the traffic flows, each of the classes comprising one or more types of traffic flows and based on the traffic flows, determining one or more processing policies that associate the traffic flows with the quality of service treatments. However, the use and advantages for classifying traffic flows is well known to one skilled in the relevant art at the time the invention was made as evidenced by the teachings of Chapman (column 1, lines 33-34, column 2, lines 1-3, 6-7, 27-28, 40-43, 50-53).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate classifying traffic flows in Martin's method allowing administrative policies to give, for instance, certain groups different treatment than other groups.

As per claim 4, Martin does not explicitly disclose receiving application information comprises receiving one or more application code points that represent traffic flow types. However, the use and advantages for using application code points to represent traffic flow types is well known to one skilled in the relevant art at the time the invention was made as evidenced by Chapman (column 3, lines 46-48, 51-55, 63, 6566, column 4, lines 3-5, 8-10, 12-14, 19-22, 29-31).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate application code points in Martin's method order to allocate bandwidth and implement an admission control policy for classes before delivering a packet.

4. Claims 10-11, 17, 19, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin in view of Haddock et al. (hereinafter "Haddock", 6,104,700), in further view of Colley et al. (hereinafter "Colley", US Patent No. 6,650,644 B1), and in further view of Chapman et al. (hereinafter "Chapman", US Patent No. 6,028,842) in further view of Mohaban et al. (hereinafter "Mohaban", 6,463,470).

As per claims 10-11, 17, 19, and 26, Martin, in view of Haddock, Colley, and Chapman, does not explicitly disclose creating and storing one or more mappings further comprises creating and storing, in the repository, one or more mappings of Application Code Points of the application program to one or more Differential Services Code Points of a protocol associated with the network device. However, in an analogous art, Mohaban discloses the use of RSVP or Differential Services Code Points to request a particular quality of service for a particular traffic flow (column 4, lines 38-49, column 7, lines 17-25).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Differential Services Code Points and RSVP's in Martin's, in view of Chapman, method allowing the relative importance of a particular traffic group to be defined.

5. Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin in view of Haddock et al. (hereinafter "Haddock", 6,104,700) in further view of Colley et al. (hereinafter "Colley", US Patent No. 6,650,644 B1) and in further view of Schwaller et al. (hereinafter "Schwaller", 6,061,725).

As per claims 12 and 13, Martin, in view of Haddock and Colley, does not explicitly disclose receiving application information comprises receiving application information that defines one or more traffic flows generated by an application program, including information identifying one or more points at which an application generates the traffic flows, from a first and second

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individual having responsibility for managing enterprise applications in the network.

However, in an analogous art, Schwaller discloses application testers that simulate a user reading screens and typing at a keyboard to create network traffic (column 2, lines 49-58).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate a first and second individual having responsibility for managing enterprise applications in the network in Martin's method allowing for testing of the application and creating network traffic.

Response to Arguments

2. Applicant's argument has been considered but is moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara N. Burgess whose telephone number is (571) 272-3996. The examiner can normally be reached on M-F (8:00am-4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Barbara N Burgess
Examiner
Art Unit 2157

June 7, 2005



SALEH NAJJAR
PRIMARY EXAMINER